small temporary shelters called by the Spanish term ranchos. In general construction these ranchos are similar to the permanent houses, but they may be only a foot or two off the ground. As the property holdings of most Cayapa are scattered, many build several permanent houses at other convenient sites and alternate residences as the farming situation dictates. If relatives have a house in the area already, then a new house need not be built, and shelter is taken with the kin. It is possible for a family to have no permanent abode of its own but rather to shift back and forth between relatives who happen to live near their property. This, however, is a very rare occurrence, and in the few cases recorded, I suspect that it is transitory. A "complete" person "un hombre completo" to be fully adult should be master of his own house. Pedrito Alape, for example, was living with relatives, but he was bewitched and suffered from many illnesses, and in addition his land was "spoiled" by witchcraft. Despite this, he still felt that the best thing for him to do was to get some land elsewhere, and set up an independent household.

Subsistence Activities. Farming is the main occupation

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> The distinctive characteristic of the corporate peasant community is that it represents a bounded social system with clear-cut limits, in relations to both outsiders and insiders. It has structural identity over time. Seen from the outside, the community as a whole carries on a series of activities and upholds certain "collective representations." Seen from within, it defines the rights and duties of its members and prescribes large segments of their behavior (Wolf 1955:496). . . .
>
> The open community differs from the corporate peasant community in a number of ways . . . The open community comprises a number of subcultures of which the peasantry is only one. . . . (it) emphasizes continuous interaction with the outside world and ties its fortunes to outside demands (Wolf 1955:463). . . .
>
> The open community lends itself to rapid shifts in production because it is possible to mobilize the peasant and to orient him rapidly toward the expanding market. Land is usually owned privately. Decisions for change can be made by individual families. Property can be mortgaged, or pawned in return for capital. The community <u>qua</u> community cannot interfere in such change. (Wolf 1955:463).

Wolf of course did not intend these classifications to be an either-or device, and degrees of commitment to one or another community organization are to be expected. In terms of economic involvements with the money economy, the Cayapa display many of the features of the open peasant community: they own their land individually and may alienate it individually. Decisions are made by individual families and the community cannot interfere

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like the Negroes,

they cut more land for banana production, but unlike Negroes they always maintained a large reserve for subsistence agriculture. They are in the money economy but not yet of it. The Cayapa are not a completely open peasant community. Movement into the Cayapa cultural community is limited to born Cayapa and boundary maintenance is structured in terms of language and culture. A true picture, however, must view the Negro and Indian sectors as parts of a larger unit. The national government views the Cayapa as a corporate body with certain rights which do not pertain to the open peasant Negro communities in the area. The Cayapa are held by the government to be the owners of the land (which is ill-defined and not surveyed) and all outsiders must purchase land from them. This tends to emphasize the commercial character of the open peasant communities and we may be perhaps justified in calling them banana farmers. They must invest capital in farm land to increase production. The Cayapa need not do so. If the Cayapa requires more land, he may buy it to be sure, but he can also cut it out of the forest. However, as yet he tends not to increase his production at the behest of

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CHAPTER V

LAND, PROPERTY AND INHERITANCE

Land is the basis of the Cayapa economy. The region, undefined and unsurveyed, has been deeded to the Cayapa as a tribe. Negroes and Whites who desire land must purchase it from an Indian in order to have a clear title. The title is for the land itself and not just for usufruct. The Cayapa may obtain land by cutting it out of the virgin forest (monte jivaro), he may buy it or he may inherit it. More land is available for subsistence farming than for other purposes. For the cash crop of bananas the land must be of good quality, well drained, and within easy access of a navigable stream that flows into the main river body traveled by La Propaganda, the banana buyers. In addition, the grower must be able to meet the banana boat on schedule. A stand of rubber trees will also increase the value of the land. Rubber is sold in Colombia where, traditionally, the price is higher than in Ecuador and retail prices on consumer items wanted by the Cayapa are cheaper. Once a year, as a rule,

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diet now, but the leaves are in demand for roofing material. Another cash crop is hardwood trees, but they are not often planted; enterprising individuals cut them out of the unclaimed forest.

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Land is seldom held in one large block. It is usually scattered about among other holdings so that, quite often, choice properties are separated by distances involving several day's travel. Many Cayapa have two houses, each built as close as possible to their main holdings. Inevitably, they must spend considerable time away from large sections of their property and, as a result, Negroes often illegally harvest standing crops or, perhaps, plant their own. Negroes may buy land from the Cayapa, but as the banana economy continues to boom, the Indians are more and more reluctant to sell. Sometimes usufruct is rented by the Negro, usually for a share of the profits, but arguments invariably develop. It is said that the Indian is always at a disadvantage in his dealings with the Negro because of the latter's readiness to engage in witchcraft and "spoil" the land for the Indian owner. If several members of an Indian's family sicken or die, after a recent quarrel with a Negro about land, it is assumed that witchcraft has been

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at work and that the land is spoiled. The Indian will then sell the land for the best price offered but will often take a lower price to avoid selling to the Negro held to be responsible for the witchcraft.

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Sometimes, boys and young men are given sections of land as advance inheritances which they work as they wish, and their work validates their claim to the inheritance. Generally, only those children who have consistently helped the parents work the land are entitled to inherit. Ill will between parents and children need not enter into consideration at all. Maximino Añapa, for example, a son of Marianito Añapa of the Río Cameronas, as a very young child was sent to live with his mother's brother in Mulsne on the coast, possibly to get him away from an influenza epidemic in the inland area. He stayed with his uncle for many years and helped him work the land; later he cut some out for himself. He used to return to his parents' home for visits of varying lengths of time, but the main attraction for him, however, seems to have been the school at Encanto. When needed, he helped his father work the land; however, he will not inherit any of the land because he said that it had all been promised to his brothers. Since he

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spent the greater part of his life living and working with his uncle presumably he will inherit land from the uncle. His rights to such an inheritance, however, are still legally ambiguous, as the following reported dispute indicates.

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A conflict of the principle of inheritance by work-validation and the principle of inheritance by kinship. Some years ago when tagua was still selling well, Romulo Añapa and Trivinio "owned" some land jointly. Trivinio's mother had been the legal owner of the land originally. The manner of kinship between Romulo and Trivinio is not known. Trivinio was lazy and "never" worked the land, whereas Romulo helped Trivinio's parents. After the death of Trivinio's parents, Romulo agreed to sell all of the land for about eight hundred sucres to Marianito Añapa "who is somewhat related." Meanwhile, Trivinio sold half of the land to Sanchi, his /ãĩnⁿa/, 'sister's son.'

One day, a widow related to Romulo and Sanchi built a small rancho on the section of land that Sanchi believed was his by purchase. He threw the old woman off the land and she went crying to Romulo, who became

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very angry. A meeting was called in the house of Santiaguño Añapa, and Romulo pointed out that the land was really his as he had worked it, while Trivnio as a boy was lazy and never helped. Romulo, therefore, demanded the money that Sanchi had paid to Trivinio, plus more on the grounds that they were not family. Since Marianito had paid half of the agreed upon money to Romulo, he owned half of the land with clear title. If Sanchi wanted to keep the other half, he would have to make an additional payment to Romulo. Sanchi refused to pay any more money, and Trivinio refused to hand over the money he had received from Sanchi. Romulo and Trivinio are enemies to this day, and apparently the case never went to the chief for settlement. Sanchi continued to own the land that he had paid Trivinio for, and Marianito continued to own the land that he had bought from Romulo. In both instances, exactly half the land went to each purchaser.

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The principle of kinship, perhaps, has not been overridden by the principle of working the land, and the de facto inheritance was an equal division, that, in fact, seems to have been tacitly recognized by the

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principles themselves and constructive notice seems to have been drawn from the circumstances known to all of the potential buyers. Romulo wanted to sell all of the land but actually was offered, and accepted payment for, only half. He alone believed that he had the right to make a conditional sale of all of the land to Marianito. Trivinio made no pretense of selling more than half and did not object to Romulo's selling the other half, a recognition of the principle, at least in part, that work validates ownership of the land. The issue, however, was moral, rather than legal and since it was not completely resolved, Romulo and Trivinio have become life-long enemies. Marianito, who bought half the land, will not leave any to his son Maximino, precisely because Maximino has not been readily available to help work the land.

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Although ownership of land is validated by use, it is not necessary for property to be in continual use to validate ownership. A person may have clear title, either through purchase, inheritance, or by clearing the land from monte jivaro, which will be recognized by his contemporaries, but as land is never registered,

except when sold to a Negro or a White, if it is seldom used, the children and grandchildren may not be certain of the ownership and of the boundaries. Such problems may be resolved fairly easily if older people with knowledge of the original land transactions can be consulted, but the presence of such people, of course, can never be guaranteed. Land that is not in active use is always in jeopardy as illustrated in the following case.

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Huru Cimarrón attempts to claim land sold illegally by his father. Many years ago, the father of Huru Cimarrón sold some land that actually belonged to the father of Romulo Añapa. The purchaser was another Indian. When the real owner of the land was told of the sale he protested to the chief, who sent up a commission to get Huru's father. Huru was a child at the time. During the proceedings, his father remained silent, although he was ordered to pay back the one hundred sucres that he had received from the sale and was then fined thirty sucres which went to the chief.

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Some years later when both fathers were dead, Huru tried to claim the land. He and Romulo fought at

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Punta Venado, with relatives of each man joining the fray. After order had been restored, the chief stated that the land belonged to Romulo and that Huru was too young to have known what had happened earlier. Huru wanted Romulo to pay twenty sucres damages for cutting his head in the brawl, but Romulo refused on the grounds that Huru had started the argument. He did however, buy a half bottle of rum, which they consumed together. Both Huru and Romulo are "family," but the manner of relationship is unknown.

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Boundaries of land become well known with usage and may be disputed when the land is not used intansively. In either case, disputes may occur but are more apt to require settlement by a third party, if the boundaries are not well known.

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A Negro official renders a Cayapa-type decision. After Sanchi built a house on his land, he observed one day that Perdomo had planted bananas nearby. Sanchi insisted that they had been planted on his land and, with his mother's brother, Reverico, called in Cristobal, the Negro Inspector of the village of Camerones at that time. Cristobal decided that Perdomo should keep

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the crop but that when the plants were dead, the land should revert to Sanchi. Meanwhile, Marianito complained to Perdomo that the land was really his. Perdomo asked why he had not worked the land before, and Cristobal, the Inspectór, ignored the claim. Sanchi paid Cristobal ten sucres for his services.

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The decision was acceptable to both claimants. It followed the reasoning, apparently, that although the land belonged to Sanchi, he was not working it at the time. There seems to have been a general feeling that the land was monte jivaro and never had been worked before. It did however, adjoin the acknowledged property of Sanchi. By disputing Perdomo's use of the land, he signified his intention of using it. Perdomo was at a disadvantage because he had no land adjoining the section under dispute. Cristobal balanced propinquity and intention on the one hand, with actual use on the other, in reading his decision. The decision definitely acknowledges the land as belonging to Sanchi, but Perdomo was permitted to profit from his labor. The dispute occurred several years ago, and in 1960 it was being said that Perdomo planned to use the land again.

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Antonito forfeits his profit by fighting. About 1955, Pedro José planted some calabash trees to mark the boundary between his land and the neighboring land of Antonito Riki. One day, while working near the line, he spotted some cacao plants that had been planted on his side. He said nothing at the time, but some weeks later, during a wake given by Kalía at his daughter's death, Pedro José became drunk and inquired of the group at large, and of Antonito in particular, "Who planted the cacao?" Antonito admitted the act, and an argument began which soon developed into a general fight. Kalía stopped it after a while, stating that he did not want people to fight when he was sad over the death of his daughter. Pedro José wanted forty sucres damages for the blows to his eyes but Antonito, backed up by his mother, refused to pay and Pedro José left the wake with his daughter. Later he uprooted the cacao plants, but nothing more was ever done.

Although the uprooting of the cacao plants was an act of spite, Pedro José was justified, as the boundary was clear and well-known. Ordinarily, Antonito could have expected to profit from the labor he expended in planting the cacao, but by getting drunk,

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fighting, and then refusing to pay just damages, he effectively cancelled his proprietary interest in the cacao plants. That nothing more was ever done, indicates a feeling of ex post facto quid pro quo.

Decisions given by the /ún^{y}i/ concerning unauthorized planting often follow the decision made by the Inspectór Cristobal in the case of Sanchi vs. Marianito. Cristobal's decision was but one alternative in the Cayapa legal repetoire. It is not a very popular decision, because by the time the land has reverted to its original owner, most of its fertility is gone. This type of decision, however, seems to be applied when the claimant's title to the land is very clouded as a result of not having used it. In these instances, the decision is premonitory: it states very clearly "nota bene, work your land, or lose it." The following case decided by the /ún^{y}i/, Gabriel Añapa, illustrates this point.

Land used just for rubber tapping is jeopardized. In the early part of 1960, Ciro Añapa and his elder brother made a trip to Pichiyaco. Upon their arrival they were notified by a relative that their land had

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recently been planted without permission by the Cimarrón brothers of Encanto. Ciro and his brother were angry, but said nothing until they became drunk at a party at the home of Gabriel. Harsh words were exchanged, but Gabriel settled the case. He decided that the Cimarrón brothers could use the land for five years without any cost, but then the land would revert to Ciro and his brother, Santiagueño. Ciro did not like the decision and pointed out that the land would have to remain fallow for five years so that he would lose its use for ten years. There were about twenty-five rubber trees on the land, Ciro said, and if the trees were tapped by the Cimarrón brothers he would take the case, not to the /únʸi/, but to the authorities at Limones.

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The Cimarrón brothers claimed that the land did not belong to Ciro and Santiagueño. Ciro claimed that the land belonged to his father. The major issue lay in the fact that Ciro and his brother did not plant crops, but only tapped the rubber trees. Rubber tapping per se involves very little work, and no clearing of bush. It cannot be equated with the work of clearing and planting the land, weeding, and harvesting. Ciro's

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claim was definitely in jeopardy. It is interesting that he threatened to go to the provincial authorities. In discussing the case with the writer, Ciro stated that "the /ún^{y}i/, is not worth much, and when it comes to collecting fines, he doesn't do so. If need be, I will go to Limones." To be sure, Ciro was disgruntled with the unauthorized planting and the decision ruling it, nevertheless, in effect, he accepted it. The rubber trees became his main concern, although the /ún^{y}i/ did not specifically prohibit the Cimarrón brothers from tapping the trees. Gabriel's narrow decision left the door open for further litigation.

When title to the land is clear, decisions indicate that the owner should profit from unauthorized plantings. This may just as easily be stated in reverse, however; namely, the interloper is entitled to a substantial part of the fruits of his illicit labor. This point is illustrated in the following variant of a case described to the writer by the /ún^{y}i/.

The usurper is awarded limited usufruct. Some years ago, Pablo Candalehu asked Marianito Ñapa to sell him a small piece of land about twenty arms-length long.

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Marianito refused, saying that the land was worthless. Although Pablo built a house and planted the land, Marianito never complained. Recently, however, Marianito planted bananas and plantain on some of Pablo's land which also had a stand of about thirty rubber trees. Pablo went to see Marianito, but he remained silent, apparently out of shame. During a party in Encanto, Pablo notified the /ũn^{y}i/. When all the people gathered, Marianito's wife said they would stop all work on Pablo's land. The /ũn^{y}i/ replied that they should continue to work. As the first crop is usually small, they decided, it would all go to Marianito, but following crops were to be divided equally, and "when the crop dies, the land is Pablo's."

As an aside, Gabriel remarked that Pablo long ago had paid Marianito ten sucres for the land, but the other version of the case disputes the payment. In the case described above, Marianito came out slightly ahead; in the following version, the outcome is very different indeed.

The usurper is awarded substantial usufruct.

For many years, Pablo Candalabo had been working parts

4:Altschuler E-5 (1959-1960) 1965
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of Mariamito's land. Mariamito had never objected, but recently had planted some plantain, beans, and corn on the land being worked by Pablo. Pablo complained to the /kʷiʔi/ who decided that the land would revert to Pablo after the plantain died. Pablo wanted to be able to cut half of the crop, but Gabriel refused to permit this. He decided that the land would go to Pablo, if Mariamito were no longer able to use it.

It does not really matter which of the two versions most closely approximates the truth. What is important, is that Gabriel's version seemed to warrant one type-decision, and the other version seemed to warrant another. In the latter version, Pablo, by his complaint, upset a precariously balanced situation of tacit reciprocity. In winning his case, however, he lost it, for after the land has been in use for many years it must be fallow for a period, so it is useless for many more years. The version of Gabriel hinges on whether or not Pablo had indeed paid for the use of Mariamito's land. It was assumed that he did and, therefore, his complaint against Mariamito's action was valid, and Mariamito was ordered to share the gains of his unauthorized planting with Pablo.

4:Altschuler E-5.(1959-1960) 1965
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It is the nature of the tropical rain forest that neglected clearings revert to a condition closely resembling the pristine within a few years. In this event, it is difficult to determine whether or not one is cutting virgin growth. From time to time, this leads to a conflict that may be settled in any of the ways described above, or may be handled in the manner illustrated below.

Antonito demands a quit claim. About 1957, Ciro Añapa and his brother Santiagueño were told by Antonito Añapa, that they were working on some land that he had cut from monte jivaro. When Ciro's brother saw the land, however, it looked like jungle once more, and he pointed out that it must have been many years since Antonito had worked it. At a party at Trivinio's house when everyone was drunk, Antonito demanded one hundred sucres. Ciro replied that he never remembered Antonito's working the land under dispute. Beverico, who was present, told Ciro and his brother to pay the hundred sucres, saying that, after all, it was not a large sum of money. Beverico, however, did not know if the land belonged to Antonito or not. Ciro and his brother agreed to pay the

hundred sucres, but did not. During Christmas at Punta Venado, they were approached again, again agreed to pay, but failed to do so. Antonito later came to their house up the Río Camerones and then they paid the money.

The land is now the joint property of Ciro and Santiagueño, and they have clear title. The question of whether the one hundred sucres conveyed title by a sale, or served as a quitclaim is moot. Given the nominal price and the cloudy state of Antonito's ownership, the transaction could best be viewed as a quitclaim.

Indians seldom register land in their names, but if they sell land to a Negro, the transaction is usually registered at the insistence of the purchaser for his protection. Consequently, the Cayapa is never required to show proof of ownership; his statement that he owns the land for sale is sufficient. Some Cayapa find the prospect of selling another man's land, without his permission and knowledge, a beguiling one, and rumors are constantly being circulated of one or another Cayapa thinking of doing it, doing it, or perhaps having completed the transaction. In any event, the hurling

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§:Altschuler E-5 (1959-1960) 1965
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of acrimonious charges, because of a rumor concerning fraudulent land sales, is usually sufficient to squelch whatever factual basis there may have been in the rumor. Very often, the rumors are just malicious in intent, as seems to have been the case in the following instance.

Rumor mongering causes family dispute. Ciro Añapa is not liked by his father's god-father's daughter. Through the system of compadrazgo they are considered to be family, /bólustá/. She apparently spends a good deal of time gossiping about Ciro, much to his annoyance, and although he would very much like to complain to the /kuʔi/, he does not do so because they are family. When Ciro last came land to Perdomo in Borrero, she claimed that the land was not his and he had no right to make the loan. She generally spreads rumors of illegal land deals involving him. One day as he was studying in his house, three of the Cimarrón brothers and their mother visited him because they had heard that he had sold their land in Borrero to a Negro. The old woman burst into tears saying that she had once given a feast in honor of Ciro's dead mother,

and she returned to her house where she continued to cry "like one does at a funeral." The Cimarrón brothers remonstrated with Ciro, who remained silent, ashamed, because "three mouths were speaking against me." All left except Segundo Cimarrón. Ciro asked him who had made the accusation and was told that it was Segundo's brother-in-law who was married to his sister, the very one who had been constantly gossiping about Ciro. Segundo then demanded fifteen hundred sucres, saying that they were not family anymore. Ciro replied that he did not have the money, and more to the point, that the charges were not true.

When the Cimarrón' mother went home to weep "like one does at a funeral" it meant that someone was going to die, which made Ciro's brother, Santiagumbe, very angry, so that, at a party, he spoke very harshly to the Cimarrón brothers. The proliferation of baseless rumors involving land transactions such as those described above, is a realization that the Cayapa's hold on the land is becoming increasingly more tenuous as the expanding banana market causes the land to increase in value. This point was made very clear by Joseline Calazare, the Negro Inspector of the village of Tamarindo,

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who discussed land problems with the author. His arm described a broad arc over the Río Cayapas flowing before us as he said, "The Cayapa think that they own the land, but they just hold it by our grace." It is small wonder indeed, that the Cayapa rumor mill creates innumerable variations on this basic theme.

As we have noted, it is generally agreed that the right of ownership is validated by working the land. Often a group of brothers will work the land together, which is regarded as an ideal situation as brothers should be together, just as the term for brother, /ná.tala/, means 'some together.' The actual working of the land imposes little problem concerning ownership, but for a stand of rubber trees that requires no maintenance at all, a problem is posed.

Rubber trees are divided into three parts for three brothers. Duro Cimarrón and his brother Segundo, came to blows at a party held at the school house in Borbón. Their father had owned a piece of land just below the rompido, up the Río Canyarumo, on which were some rubber trees. Duro wanted to tap some of the rubber, but Segundo had arrived at the site first and made

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off with the latex. Huru claimed that the land was his, as he was the eldest son, and Segundo agreed to leave the untapped trees for Huru. But they are three brothers, and the /ún^{y}i/, to avoid further fighting, divided the land three ways among them.

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The rubber poacher keeps most of the profits. Espíritu Santo had a piece of land on which was a stand of about fifteen rubber trees. Chapiro tapped them without permission and collected about fifty pounds of rubber. He turned the rubber over to his brother, Bertram, who went to Colombia with Pablo Añapa and two Negroes, Estupinian and Manuel Caisero. Bertram sold the rubber for Chapiro. Huru Cimarrón had noticed that the trees were tapped and told people that Ciro had done the poaching. But Santiagueño, Ciro's brother, had seen Chapiro skulking in the vicinity and told people that the trees had, in truth, been tapped by Chapiro. Huru's wife, who is Espíritu's sister, became very angry with Chapiro and said that if she were a man, she would beat him up. Some time later at a party in Encanto, Espíritu approached Chapiro and asked how much he had gained by the sale. Chapiro did not argue, and

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settled for thirty sucres.

Given this very low settlement [Chapiro probably made at least two hundred sucres], it would appear that the interloper can realize most of his profits from illicit rubber tapping, while the owner of the trees can only plead mea culpa for not having been there first! Muru Cimarrón had been "outraged" by the theft of the rubber, nevertheless one wonders what he was doing in the vicinity of his brother-in-law's trees. Similarly, Santiagueño could only have seen Chapiro "skulking" if he too, had been in the vicinity of the trees. Everyone seems to have had a bit of larceny in mind.

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It is seen that in terms of land, work, and rubber, cultivation is not only a means of producing foodstuffs but of authenticating ownership as well. Thus, the individual who appropriates part of someone else's land is permitted, as a rule, to benefit from the act to the extent of his invested labor; if the purported owner accepts the appropriation without protest, that is, without indicating his own intention and desire to work the land, then the ownership of the

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land is acceded to the cultivator. The theft of rubber appears to be more an indication of industry than of wrongdoing, and whatever criminal aspects exist are usually expiated by the sharing of the profits.

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The stealing of pigs, however, is in a totally different category. Unlike land, there is never a clouded title to the ownership of the animals, and unlike land, the fact of ownership of the animals is sufficient to establish the owner's legal rights. Pigs are not worked as is land, and increased production is left entirely up to the pigs. No matter how hard a pig thief may work--and, sometimes, he must run for miles across difficult country to round up the animal(s)--his industry brings him no rewards when he is caught, because he has contributed no productive labor. As a matter of fact, pig-stealing is recognized as an offense, although the thief may not be punished. The following case is illustrative of this point.

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The owner of stolen pigs tracks down the thief. Lorenzo Añapa became ill some time in 1957 and went to Sapallo Grande to consult the /ũm^{y}i/, Jesusito, who is a curer. The treatment lasted two weeks. When Lorenzo

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account of a dispute that occurred about sixty years ago.

A foraging sow is killed and the owner chooses exile over revenge-murder. Gerardo's elder brother, Reinio Perdomo, had a sow that was just about ready to drop her young. She ate some plantain belonging to a neighbor who administered a severe beating to the sow. That same night the litter of piglets was born dead, and soon after, the sow died also. Reinio became highly incensed and beat up the neighbor. His anger still not assuaged, he decided to move to the coast, for otherwise he might kill the neighbor and then be imprisoned as a result. He could not tolerate the idea of imprisonment. "People now said that it was better to move out, than kill and get thrown in jail."

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The case is interesting because of the murderous passions invoked by the beating of the sow and her subsequent death--passions that were not aroused when land or rubber were involved. In addition, the case is of interest because it is the only known incident in which an individual, rather than commit murder, chose exile.

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In marked contrast to the sexual sphere, decisions involving land always involved a compromise solution, a balancing of conflicting claims. It appears to the writer that compromise solutions of this type preclude punishment for the usurper. Restitution rather than punishment or partial profit marks settlement of pig-stealing cases, because the thief does not have a claim based upon productive work. The compromise solutions in land disputes reflect a basic acceptance by all parties to the dispute that work validates ownership and keeps the boundary lines and title clear.

and probed and usually found wanting. 000

Cayapa law readily lends itself to a division into Civil and Criminal law. The former is concerned mainly with property (especially land) while the latter is preeminently concerned with sexual behavior and sin. In the realm of Cayapa Civil law, especially in cases that involve land, legal decisions are compromises in the sense that the usurper is permitted limited return on his labor. There is agreement by all parties to the dispute that land as such is owned, but lacking written records, the best proof that a claimant to land ownership has is evidence of his having worked the land he claims. Work is the best validation of ownership, but the land need not be continuously worked; however, as work is neglected, and as memories fade, ownership is contested. Basically, land disputes involve a claim by the usurper that the original ownership is in jeopardy. These claims are always balanced with the claims of the owner and a compromise solution is reached. The land, in effect, is shared for a period of time and the owner is warned that he must continue to work his land intensively or be subject to further challenges to his ownership. Compromise is an effective

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solution and serves to exclude the chief from entangling alliances with one party as opposed to the other. Whether this serves to enhance the position of the chief in his role as third person in the legal process, is not clear. Aubert (1963) believes that mediating decisions foster independence for the third party office, as well as increased prestige. Structurally, the office of /ũn^{y}i/ is an independent one that does not permit the formation of alliances with groups that are virtually impossible to form anyway, given the social and psychological structure of Cayapa culture.

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In the legal materials dealing with land it is seen that all of the parties to the dispute were in complete agreement as to the nature of land and its ownership. Conflict does not involve different value positions on the part of the disputants but rather individuals are competing for scarce goods that embody shared cultural values. Polygyny among the Cayapa represents a mixture of competing interests, as in land disputes, and also some lack of agreement as to what the basic issues and values are. Women are valued goods, in a sense, that at present are in scant supply. A compromise solution, as in land disputes, is not

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